



## Fiscal Estimate Narratives

SPD 3/10/2006

LRB Number	05-4801/1	Introduction Number	AB-1095	Estimate Type	Original
<b>Description</b> Sexual assault of a child and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

Although this bill does not create an entirely new criminal offense for which SPD will be required to appoint attorneys, it substantially increases penalties for certain sexual assaults. Thus, SPD is likely to see increased costs from increased attorney time related to the bill's requirement of mandatory life imprisonment under specified circumstances. The mandatory imprisonment provision is likely to result in more trials.

Counties are likely to incur additional costs for incarceration of defendants held in jail pending court hearings. For the same reason that we can anticipate more trials, we can anticipate a longer average time between initial charge and disposition of the case.

### Long-Range Fiscal Implications